



Queensland Aboriginal and Torres Strait Islander
Child Protection Peak Limited

**Submission to the Northern Territory Independent
Review into the Child Protection System and the Care
and Protection of Children Legislation Amendment
(Every Child Matters) Bill 2026**

MAY 2026

Acknowledgement of Country

QATSICPP acknowledges the Traditional Custodians across the lands we raise our families. We acknowledge the oldest living cultures of Aboriginal and Torres Strait Islander peoples and the continued connections to Country, language and tradition.

We pay our respect to Elders past and present and acknowledge future generations of Aboriginal and Torres Strait Islander children and the bright future they will have.

About QATSICPP

The Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP) is the peak body for Aboriginal and Torres Strait Islander community-controlled organisations delivering child and family support services in Queensland. QATSICPP is also Queensland's Youth Justice Peak, collaborating with Aboriginal and Torres Strait Islander and non-Indigenous service providers to strengthen outcomes across the child protection and youth justice systems.

Our membership includes 38 Aboriginal and Torres Strait Islander Community-Controlled Organisations (ATSICCOs), delivering vital services, guidance and culturally grounded supports to ensure the safety and wellbeing of Aboriginal and Torres Strait Islander children, young people and families.

QATSICPP's vision is that all Aboriginal and Torres Strait Islander children and young people are physically, emotionally and spiritually strong; live in safe, caring and nurturing environments within their families and communities; and are afforded the same life opportunities as other children to reach their full potential.

Over its 21 years, QATSICPP has worked in partnership with Aboriginal and Torres Strait Islander leaders and the Queensland Government to promote approaches that are culturally responsive and community-led. With a strong history of collaboration, QATSICPP continues to lead the development of solutions that respond to the unique strengths and needs of Aboriginal and Torres Strait Islander children, families and communities.

Introduction

QATSICPP welcomes the opportunity to provide this submission. QATSICPP represents Aboriginal and Torres Strait Islander community-controlled organisations delivering child protection and family support services, grounded in self-determination and community authority.

While QATSICPP is based in Queensland, we hold a strong interest in reforms across all Australian child protection systems. The over-representation of Aboriginal and Torres Strait Islander children in care is a national issue, shaped by shared policy settings, legislative frameworks and system design challenges. Developments in one jurisdiction inevitably influence others, particularly where reforms may shift the interpretation or application of foundational principles such as the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP). As a national leader in policy and practice, QATSICPP contributes to cross-jurisdictional reform efforts to ensure that changes strengthen, not undermine, evidence-based approaches to improving outcomes for Aboriginal and Torres Strait Islander children and families.

We understand the important cultural connections, and movement of families, between Aboriginal communities in the Northern Territory and Queensland, including through the Gulf of Carpentaria and between Mount Isa and Tennant Creek.

We also acknowledge the recent and deeply distressing loss of a young child in the Northern Territory, which has had a profound impact on communities and has understandably intensified scrutiny of the child protection system. Tragedies of this nature demand careful reflection and system accountability. However, they must also be approached with care to ensure that responses are grounded in evidence, community leadership and long-term solutions, rather than resulting in changes that risk further harm to Aboriginal and Torres Strait Islander children and families.



QATSICPP offers this submission in that spirit: to support a considered, evidence-informed approach to reform that addresses systemic failures while upholding the principles and frameworks that are critical to the safety, wellbeing and cultural rights of Aboriginal and Torres Strait Islander children.

The Aboriginal and Torres Strait Islander Placement Principle and a Child's Best Interest

In the Northern Territory, recent events have understandably intensified public and political focus on child safety and system accountability. In that context, it is critical that reform is grounded in evidence about what is (and is not) driving harm. QATSICPP's position is clear: the ATSI CPP is not the source of current system failures. The ATSI CPP is grounded in the *Bringing Them Home* Report (1997), which documented the devastating, lifelong impacts of forced removals and affirmed that connection to family and culture is essential to wellbeing.ⁱ

The ATSI CPP does not conflict with the paramountcy of safety as a key principle driving decisions about children. It does not require children to remain in, or return to, unsafe environments, and it does not prescribe reunification regardless of risk. Rather, it provides a culturally informed framework for determining "best interests" for Aboriginal and Torres Strait Islander children by embedding prevention, participation, partnership, connection and placement as the mechanisms through which safety and long-term wellbeing are understood and achieved.ⁱⁱ The challenge across Australia, including in the Northern Territory, is inconsistent, under-resourced and deprioritised implementation, rather than a flaw in the principle itself.ⁱⁱⁱ

It is also important to be clear about the current legislative framework in place in the Northern Territory. The existing legislative scheme already requires decision-makers to protect children from harm (including through the "best interests" and protection from harm concepts). In practice, the Northern Territory system demonstrates a very high readiness to remove Aboriginal children from their families: Aboriginal children make up around 90% of children in out-of-home care, yet only about 16–17% are placed with relatives or kin.^{iv} This pattern indicates that "safety" is already being operationalised primarily through removal, but without the system capacity, investment and governance required to support culturally appropriate care.^v The result is not improved safety; it is instability and disconnection: outcomes the ATSI CPP was designed to prevent.

Where the ATSI CPP is not properly implemented, the impacts on children are significant. Disconnection from family, culture and community contributes to placement instability, poorer social and emotional wellbeing, and increased reliance on residential care, which is associated with poorer trajectories.^{vi} These impacts are occurring at a concerning scale nationally: AIHW reporting shows that, at 30 June 2021, 37% of Aboriginal and Torres Strait Islander children in out-of-home care were not in "preferred" placements (with relatives/kin or other Aboriginal and Torres Strait Islander carers), and 59% were not living with Aboriginal and Torres Strait Islander relatives/kin or other Aboriginal and Torres Strait Islander carers, indicating substantial levels of ongoing disconnection from family and culture.^{vii}

QATSICPP is concerned that reforms prioritising "safety and permanency" will not deliver better outcomes unless the ATSI CPP is clearly required and properly implemented. For Aboriginal and Torres Strait Islander children, staying connected to family, kin, community and culture is part of what keeps them safe and supports long-term stability. If the system isn't required and resourced to make active efforts to find and support kinship and cultural placements, changes may simply increase non-Indigenous placements and deepen disconnection, repeating known harms instead of fixing the real implementation gaps.^{viii}

Effective reform should therefore focus on strengthening implementation of the ATSI CPP: sustained investment in identifying, recruiting and supporting kinship carers; clear accountability to maintain cultural connection over time; and shifting decision-making authority and service delivery to Aboriginal and Torres Strait Islander community-controlled organisations, who are best placed to make culturally informed decisions and support families. Early, collaborative decision-making must also be strengthened so the principle is applied from first contact, not after placements have already drifted into long-term arrangements.

Canada provides a useful international example of what stronger, community-led implementation can achieve. Under Bill C-92 (An Act respecting First Nations, Inuit and Métis children, youth and families), Canada embedded national standards that centre cultural continuity and affirm Indigenous jurisdiction, including a placement priority



designed to keep children with family/kin and within community wherever possible. In the Cowessess First Nation, this framework enabled the community to assume decision-making authority over child welfare with dedicated resourcing and a prevention-focused local agency model. Within the first year of the Cowessess' Miyo Pimatisowin approach, local reporting indicated no children living on-reserve were in provincial ministry care, alongside active reunification and reconnection work.^{ix} This shift was accompanied by culturally grounded supports, such as traditional healing, on-site therapy, respite and practical family support, aimed at keeping children safely at home rather than relying on late crisis response removals.

QATSICPP emphasises that stability for Aboriginal and Torres Strait Islander children must be understood in the context of identity, belonging and connection to family, culture and Country. Permanency should not be pursued in ways that sever these connections; long-term wellbeing is best achieved when children remain connected to kinship networks and cultural identity, supported by adequately resourced, community-led systems.

To ensure the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* strengthens safety without increasing disconnection, QATSICPP recommends targeted amendments that hard-wire the ATSI CPP into decisions and practice. The Bill should retain and strengthen Aboriginal-specific safeguards by restoring a clear placement hierarchy for Aboriginal children (kin/relatives first, then community-connected Aboriginal carers, with non-Indigenous care only as a last resort) rather than making Aboriginal-specific principles subordinate to the general placement principle, and by requiring documented "active/proactive efforts" to identify, assess and support kinship options before resorting to residential or non-kin placements.

The Bill should also shift key Aboriginal participation provisions from "should" to must, including mandatory involvement of Aboriginal families and authorised cultural decision-makers, and formal, early engagement of Aboriginal community-controlled organisations in significant decisions and placement planning, so that cultural authority is present at first contact. Finally, the Bill should avoid settings that unintentionally drive permanency through disconnection, and instead build in accountability mechanisms: such as requiring the CEO to provide evidence to the Court of efforts taken to prevent removal, to reunify, and to secure culturally connected placements, so the system is measured on keeping children safe and connected, not simply on speed of removal.

Conclusion

In conclusion, the ATSI CPP remains an essential safeguard within Australia's child protection framework that when implemented effectively, improves outcomes for children.^x The priority for reform in the Northern Territory should be to address the systemic barriers undermining its application, rather than weakening or reframing the principle itself. With the ATSI CPP properly implemented, resourced, accountable, and led with community authority, the Northern Territory can deliver reform that keeps children safe, connected, and thriving.

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